

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

LOI TAN NGUYEN,	)	
Plaintiff,	)	CIVIL ACTION NO.
	)	04-11781-DPW
v.	)	
	)	
NMT MEDICAL, INC.,	)	
Defendant.	)	

MEMORANDUM AND ORDER

April 3, 2007

In this *pro se* law suit arising out of a workplace dispute, the plaintiff alleges that he was terminated because of his race (Asian) and national origin (Vietnamese) after a despute with a coworker who was also Asian but of Cambodian origin. The plaintiff alleges that the defendant employer incited harassment by the coworker against him and engaged in an invasion of plaintiff's privacy.

Before me is the defendant's fully argued Motion for Summary Judgment. Finding the motion well founded, I will grant it.

A careful examination of the underlying materials demonstrates no genuine issue of material fact to dispute defendant's contention that plaintiff was terminated after an internal investigation which plausibly found that the plaintiff engaged in what the defendant was within its rights to consider unacceptable behavior in his dispute with his coworker. This legitimate nondiscriminatory reason for termination has not been

shown to have any indicia of pretext for race or national origin discrimination. That the defendant chose to credit the coworker's perspective on the dispute and did not satisfy plaintiff's concerns does not provide evidence of unlawful discrimination of workplace harassment on these facts. Plaintiff has adduced no evidence that his privacy was invaded.

There being no actionable grounds for litigation against the defendant employer regarding this workplace dispute, the defendant's motion for summary judgment is hereby GRANTED.

/s/ Douglas P. Woodlock

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DOUGLAS P. WOODLOCK  
UNITED STATES DISTRICT JUDGE